

MEMBER: Senator Jack Donahue **PROPOSAL#** Donahue #04 **REFERRED TO AG on:** _____
SUBJECT: DHH - Co-Pay for ER **DATE REPORTED BY AG:** _____ **REPORT:** _____
COMMISSION ACTION: Amended \ Adopted **DATE:** November 17, 2009

RECOMMENDATION: Governor and legislature authorize the Department of Health and Hospitals to use co-pays up to ten dollars for emergency room treatment to the extent allowed by federal law and in a way that would encourage proper use of resources and discourage overuse of resources that may not be needed. Such co-pay shall not apply to services rendered for emergency conditions or services for children.

Summary Description/Nature of Change	Key/Implementation Responsibilities	Need	Action Needed	Benefit/Saving	Done/ Study
Governor and legislature authorize DHH to use co-pays up to \$10 for emergency room treatment to the extent allowed by federal law and in a way that would encourage proper use of resources and discourage overuse of resources that may not be needed. Such co-pay shall not apply to services rendered for emergency conditions or services for children.	DHH and approval by federal Centers for Medicare & Medicaid Services (CMS).	There is a significant number of Medicaid enrollees seeking non-emergent treatment and care through emergency rooms which is a more expensive delivery of such care. Twenty-eight states currently impose nominal Emergency Room co-pays for non-emergent conditions. A co-pay is seen as an inducement to change behavior that does not efficiently utilize resources.	Legislation and/or CMS approval.	Better utilization of resources.	